REMARKS

This Amendment is in response to an Office Action mailed January 23, 2009. In the Office Action, claims 1-3, 18-20 and 22-36 were rejected under 35 U.S.C. §103. No claims have been amended.

Reconsideration and allowance of the pending claims is respectfully requested.

Examiner's Interview

The undersigned attorney conducted a telephonic interview with the Examiner on March 12, 2009. During the telephone conference, the undersigned attorney highlighted how the cited references do not render the claimed invention unpatentable. In the midst of these discussions, prior to even completing our discussion of the allowability of claim 1, the Examiner agreed to re-open prosecution of the subject application. Applicant believes that the claims are in condition for allowance and respectfully requests the Examiner to issue a Notice of Allowance. The undersigned attorney requests the Examiner to contact him again to further discuss the allowability of the claims if such discussions will facilitate prosecution of the subject application.

Rejections Under 35 U.S.C. §103

A. Claims 1-3, 18-20, 22-25 and 28-35 were rejected under 35 U.S.C. §103(a) as being anticipated by Shimizu (U.S. Patent No. 6,609,977) in view of Witt (U.S. Publication No. 2004/0109005). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).* In particular, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." MPEP 2141. In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." The Court further required that an explicit analysis for this reason must be made. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR 127 S.Ct.* at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). In the instant case, Applicant respectfully submits that there are significant differences between the cited references and the claimed invention and there is no apparent reason to combine the

known elements in the manner as claimed, and thus no *prima facie* case of obviousness has been established.

With respect to independent claims 1, 19 and 28, neither Shimizu nor Witt, alone or in combination, describe or suggest the claimed invention. In particular, it appears that the Examiner still erroneously construes the first stream data as 3D graphics and audio commands that are transmitted from the main processor (110). *See page 3 of the Office Action.* The 3D graphics and audio commands do not include video and audio, which formulate the first stream data. In fact, upon review of the specification, 3D graphics and audio commands simply appear to be command data and there is no explicit teaching as to what data is used to generate the 3D graphics and audio commands. *See col. 6, lines 56-58 of Shimizu.* Applicant takes the position that these commands are generated, at least in part, from user inputs from hand controller (52).

More specifically, the "first processor" is construed as being equivalent to the "main processor 110" of Shimizu. The main processor 110 does not and cannot decode data to generate the first stream data (3D graphics and audio commands) because these commands are not *received by the first processor over the communication bus* (i.e., the bus between main processor 110 and graphics and audio processor 114). *Emphasis added.* Rather, the 3D graphics and audio commands are generated and transmitted *from* the "first processor" (i.e. the main processor 110) *to* the second processor (i.e. the graphics and audio processor 114), which processes these commands to generate display images and sound. *See col. 6, line 64 to col. 7, line 3 of Shimizu.* Hence, the "first processor" does not and cannot be modified to decode the 3D graphics and audio commands as claimed.

Considering a potential interpretation by the Examiner that the first stream data is the data that used to generate 3D graphics and audio commands, Applicant respectfully disagree with this interpretation. Applicant submits that there is no description or suggestion, within either Shimizu or Witt, that the 3D graphics and audio commands are generated from audio and video data as claimed.

Also, the "second processor" is construed as being equivalent to the "graphics and audio processor 114" of Shimizu. The "second stream data" is construed as being equivalent to the "audio output of mass storage access device 106." *See page 4 of the Office Action.* Herein, the second processor (i.e. graphics and audio processor 114) is not provided with a "second stream data including *video data and audio data that is received from the drive device without being routed over the communication bus*" as claimed. *Emphasis added.* It is noted that this limitation highlights that the propagation path of the second stream data differs from the first stream data because the second stream data is not routed over the communication bus. As claimed, the communication bus is part of the propagation path for the first stream data.

With respect to claim 19, this claim includes an additional claim element, namely a network control unit. The network control unit is coupled to the communication bus and is adapted to transmit the first stream data via the communication bus. This additional claim limitation highlights that the first stream data may be received from a networked source.

Hence, in light of the foregoing, Applicant respectfully requests that the Examiner withdraw the §103(a) rejection as applied to independent claims 1, 19 and 28.

Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combined teachings of the cited references fail to describe or suggest all of the claim limitations for dependent claims 2-3, 18-20, 22-25 and 29-35. However, based on the dependency of these claims on independent claims 1, 19 and 28, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted.

Withdrawal of the §103(a) rejection as applied to claims 1-3, 18-20, 22-25 and 28-35 is respectfully requested.

B. Claims 26-27 and 36 were rejected under 35 U.S.C. §103(a) as being anticipated by Shimizu in view of Witt and Ochiai (U.S. Patent No. 6,757,482). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established. However, based on the dependency of these claims on independent claims 1 and 28, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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